

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

EDWARD DENNIS RODGERS,

Plaintiff,

v.

KELLIS THOMPSON AND  
CHRISTOPHER MONTGOMERY,

Defendants.

Case No. 1:23-cv-00077-SNLJ

**MEMORANDUM AND ORDER**

This matter comes before the court on a motion for sanctions or to compel.

Defendant Christopher Montgomery filed this motion on February 14, 2024 requesting this Court to either (1) sanction plaintiff by dismissing his action for failing to respond to defendant Montgomery's discovery requests; or (2) compel plaintiff to respond to such requests. [Doc. 37 at 1.]

Defendant Montgomery contends that he served his First Set of Interrogatories and First Request for Production of Documents to plaintiff on December 6, 2023. *Id.* at 2. Defendant Montgomery sent a follow-up letter to plaintiff on January 23, 2024 addressing plaintiff's discovery response deficiencies and requested that plaintiff provide complete responses by February 2, 2024. *Id.* at 3. As of the date of the present motion, plaintiff has apparently still not provided complete responses to defendant Montgomery's requests. *Id.* Plaintiff, who is *pro se*, states in his response that he has been in the infirmary and has been waiting for defendants and the prison facilities to send him

records he believes he needs to respond to defendant Montgomery's requests. [Doc. 42 at 1.]


The Court is mindful of plaintiff's *pro se* status and recognizes that some of the documents requested in defendant Montgomery's First Request for Production of Documents Directed to Plaintiff may have been in the possession of the prison facilities, rather than in his personal possession. *See* [Doc. 37-1 at 4–10.] Nonetheless, “‘*pro se* litigants are not excused from failing to comply with substantive and procedural law.’” *Glover v. Bostrom*, 31 F.4th 601, 605 (8th Cir. 2022) (quoting *Burgs v. Sissel*, 745 F.2d 526, 528 8th Cir. 1984)). At this point, plaintiff has had ample time to obtain the information necessary to respond to defendant Montgomery's discovery requests, and defendant Montgomery will be prejudiced by further delay in response to his requests.

Consequently, this Court orders that plaintiff respond to, or show cause as to why he cannot respond to, defendant Montgomery's First Request for Production of Documents Directed to Plaintiff, [Doc. 37-1 at 4–10], and defendant Montgomery's First Interrogatories Directed to Plaintiff, [Doc. 37-1 at 11–24], within 14 days. If plaintiff does not fulfill this Court order within that time frame, he may face dismissal of his claims.

Accordingly,

**IT IS HEREBY ORDERED** that defendant Christopher Montgomery's motion for sanctions or to compel [Doc. 37] is GRANTED in part, as explained herein.

Dated this 20th day of May, 2024



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STEPHEN N. LIMBAUGH, JR.  
SENIOR UNITED STATES DISTRICT JUDGE